

EXHIBIT 6

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

EVGENY OKMYANSKY,

Plaintiff,

vs.

HERBALIFE INTERNATIONAL OF
AMERICA, INC.,

Defendant.

Civil Action No.
03-10574-JLT

CERTIFIED
COPY

DEPOSITION OF JACKIE FISHER

Los Angeles, California

Thursday, April 15, 2004

Reported by:
REBECCA CORRAL
CSR No. 7021

Job No. 897336A

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

EVGENY OKMYANSKY,)
)
Plaintiff,)
)
vs.) Civil Action No.
) 03-10574-JLT
HERBALIFE INTERNATIONAL OF)
AMERICA, INC.,)
)
Defendant.)

Deposition of JACKIE FISHER, taken
on behalf of Plaintiff, at 11377 W.
Olympic Boulevard, Suite 600, Los
Angeles, California, beginning at 10:00
a.m. and ending at 12:20 p.m. on
Thursday, April 15, 2004, before
REBECCA CORRAL, Certified Shorthand
Reporter No. 7021.

1 APPEARANCES:

2
3 For Plaintiff:

4 JOEL Z. EIGERMAN
Attorney at Law
5 50 Congress Street, Suite 200
Boston, MA 02109
6 (617) 367-0014

7 For Defendants:

8 GREENBERG TRAUIG
BY: ANNAPOORNI R. SANKARAN
9 Attorney at Law
One International Place
10 Boston, MA 02110
11 (617) 310-60058
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 has no dash and it starts 10. Do you know what the
2 difference signifies, if anything?

3 A I don't want to be facetious. It signifies
4 they wouldn't listen to us when we told them not to put
5 the dash in, but that's the truth. 16 identifies the
6 location, Israel. And 10 is U.S.

7 Q So this form that we are given here in No. 3 is
8 an application form that was in use at some point in the
9 United States?

10 A Yes.

11 Q And, again, because I think it cut off at the
12 bottom, we don't know the exact date; is that right?

13 A Yes.

14 Q And there are 10 paragraphs or sentences,
15 provisions under agreement of distributorship. Do you
16 see all that there?

17 A Yes.

18 Q I will represent to you that there is nothing
19 in there that gives the method of compensation or terms
20 of compensation. Do you know where those would be
21 contained, if anywhere?

22 A By "terms of compensation," you mean how you
23 qualify to receive your earnings and --

24 Q And what percentage?

25 A That scale of earnings, that is in the

1 marketing plan section of the Career Book.

2 Q The Career Book?

3 A Yes.

4 Q What is the Career Book?

5 A Career book, well, the rules and regulations
6 that you have there are a portion of the Career Book.

7 It has been in different formats over the years.

8 Currently, it is in a three book compendium.

9 The first two sections are more or less how to
10 sell the product and, you know, how to approach people
11 and that sort of thing, and here's the products, and
12 then the third section has the rules and it also has the
13 marketing plan in it which details the compensation.

14 MR. EIGERMAN: Off the record.

15 (Off the record discussion.)

16 MR. EIGERMAN: For the record, those don't
17 appear to be -- we don't have -- appear to have been
18 provided with that, and Ms. Sankaran, I take it, will
19 undertake to determine whether such a thing exists the
20 way the witness thinks it does and will get us relevant
21 ones, I assume.

22 MS. SANKARAN: To the extent it fits into one
23 of the requests for production or you are requesting it,
24 I will endeavor to find it, and if you give me a more
25 specific time period, that would be helpful. We can do

1 that after the deposition.

2 MR. EIGERMAN: Yes, sure, but, again, if it is
3 certainly from this witness's testimony, it would have
4 to form part of the contract, so I can't imagine how it
5 would not be within the very first paragraph, probably,
6 of the original request for production.

7 Q If you know, is a copy of this portion of the
8 so-called marketing plan, including the compensation
9 formula, is that provided to the distributors?

10 A Yes.

11 Q And when is it provided to the distributors?

12 A It is provided in their distributor kit when
13 they first sign up.

14 Q I see. And are the terms of compensation
15 changed from time to time?

16 A They have been changed over the years very
17 little. Some countries have had a slight variation on
18 the plan. Depending on issues in those countries. And
19 when we initiated the monthly Tab Team production bonus,
20 that changed the plan.

21 Q But that was an additional element of
22 compensation that hadn't existed before?

23 A Yes.

24 Q At any time, if you know, is the distributor
25 asked to indicate his acceptance or agreement with the

1
2
3
4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby
6 certify:

7 That the foregoing proceedings were taken
8 before me at the time and place herein set forth; that
9 any witnesses in the foregoing proceedings, prior to
10 testifying, were placed under oath; that a verbatim
11 record of the proceedings was made by me using machine
12 shorthand which was thereafter transcribed under my
13 direction; further, that the foregoing is an accurate
14 transcription thereof.

15 I further certify that I am neither
16 financially interested in the action nor a relative or
17 employee of any attorney of any of the parties.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20 APR 20 2004

21 Dated: _____

22 

23 _____
24 REBECCA CORRAL
25 CSR No. 7021